

Maine Revised Statutes

Title 22: HEALTH AND WELFARE

Chapter 855: AID TO NEEDY PERSONS HEADING: PL 1973, c. 790, §2 (new)

§3174-GG. LONG-TERM CARE PARTNERSHIP PROGRAM

There is established within the department the Long-term Care Partnership Program pursuant to Section 6021 of the federal Deficit Reduction Act of 2005, Public Law 109-171, 120 Stat. 4 (2006), referred to in this section as "the program," to provide incentives for persons to insure the costs of their own long-term care and to alleviate some of the costs of long-term care being paid by MaineCare. The department shall administer the program as a part of MaineCare. [ 2009, c. 101, §1 (AMD) . ]

**1. Eligibility.** A person is eligible for the program if that person is insured under a policy of long-term care insurance qualified pursuant to the federal Deficit Reduction Act of 2005 and approved for the purpose of the program and has used the policy alone or in combination with private resources to pay for long-term care costs without resort to MaineCare coverage. In order to qualify for benefits under the program, a person must be eligible under this subsection and meet the other criteria required for long-term care benefits under the MaineCare program as provided in this chapter and in rules adopted by the department.

[ 2009, c. 101, §2 (AMD) . ]

**2. Benefits.** The benefits of the program include coverage for long-term care services under MaineCare after the person participating in the program has used the available coverage and benefits purchased under the approved long-term care policy.

[ 2009, c. 101, §3 (AMD) . ]

**3. Disregard.** In addition to assets disregarded or exempt under MaineCare program rules, in determining eligibility for MaineCare and the amount of MaineCare benefits and in estate recovery pursuant to section 14, subsection 2-I, the program must disregard assets of an eligible person that are disclosed to the department in the application or posteligibility process in an amount equal to the benefits paid by the approved long-term care insurance policy.

[ 2009, c. 101, §4 (AMD) . ]

**4. Information.** In cooperation with the Department of Professional and Financial Regulation, Bureau of Insurance, the department shall provide information to the public regarding the program and approved long-term care insurance policies.

[ 2005, c. 12, Pt. DDD, §10 (NEW) . ]

**5. Reciprocal agreements.** The department shall enter into reciprocal agreements with other states to extend the program to persons who purchased long-term care insurance policies equivalent to policies approved in this State and to extend similar programs in other states to persons who purchase approved policies in this State and who later relocate and apply for Medicaid long-term care benefits in other states.

[ 2005, c. 12, Pt. DDD, §10 (NEW) . ]

**6. Other laws.** Eligibility for the program does not preclude enforcement of laws regarding recovery of MaineCare benefits incorrectly paid or 3rd-party liability claims by the department. The provisions of this section do not enlarge or otherwise modify medical assistance benefits under the MaineCare program. The provisions of section 14, subsection 2-I, paragraph A, subparagraph (3) do not apply to assets disregarded under the program.

[ 2005, c. 12, Pt. DDD, §10 (NEW) .]

**7. Rulemaking.** The department, after consultation with the Superintendent of Insurance within the Department of Professional and Financial Regulation, shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2005, c. 12, Pt. DDD, §10 (NEW) .]

#### SECTION HISTORY

2005, c. 12, §DDD10 (NEW). 2009, c. 101, §§1-4 (AMD).

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